

Exhibit A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<p>JOAN CHARLES, Plaintiff,</p> <p>v.</p> <p>OCWEN FEDERAL BANK FSB; OCWEN FINANCIAL CORPORATION; MASSACHUSETTS PROPERTY INSURANCE UNDERWRITERS ASSOCIATION; and ONE CALL INSURANCE AGENCY, INCORPORATED, Defendants.</p>	<p>CIVIL ACTION NO. 04-11625-RWZ</p>
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**AFFIDAVIT IN SUPPORT OF MOTION OF
OCWEN LOAN SERVICING, LLC
TO EXTEND DEADLINES**

I, Richard C. Demerle, hereby declare under oath as follows:

1. I am currently an associate at the law firm of Michienzie & Sawin, LLC, 745 Boylston Street, Boston, MA 02116-2636, which law firm represents defendants Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB and Ocwen Financial Corporation in the above-captioned action. I have personal knowledge of the facts set forth herein and, if sworn to testify, could competently testify thereto.
2. On May 12, 2006, I served by first-class mail on behalf of Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB ("Ocwen"), *First Interrogatories to Plaintiff Joan Charles* and with *First Request for Production of Documents to Plaintiff Joan Charles* (the "Discovery Requests") on counsel for plaintiff Joan Charles.
3. On June 12, 2006, I served by facsimile and first-class mail on James Hoyt, counsel for plaintiff Joan Charles ("Plaintiff"), a notice of taking deposition for his client for Monday, June 19, 2006.

4. I did not receive the Plaintiff's responses to the Discovery Requests by the June 14, 2006 deadline.
5. By letter dated June 15, 2006 and sent by facsimile and first-class mail, I informed Attorney Hoyt that his client's responses to the Discovery Requests were due by June 14, 2006 and I asked him to contact me to discuss his client's responses to the Discovery Requests. Attorney Hoyt did not respond in a timely manner to this request. *See Letter of June 15, 2006*, attached as Exhibit 1.
6. By letter dated June 16, 2006 and sent by facsimile and first-class mail, I again informed Attorney Hoyt that his client's responses to the Discovery Requests were due by June 14, 2006 and I asked him to contact me to discuss his client's responses to the Discovery Requests. Attorney Hoyt did not respond in a timely manner to this request. *See Letter of June 16, 2006*, attached as Exhibit 2.
7. I called Attorney Hoyt's office twice on June 16, 2006 – the first time, leaving a voicemail message for him asking him to call me, the second time speaking with his office's assistant, Sarah. Attorney Hoyt did not respond in a timely manner to these requests.
8. By letter dated June 16, 2006 and sent by facsimile and first-class mail, I informed Attorney Hoyt that if I did not receive his client's responses to the Discovery Requests by 4 p.m. on June 16, 2006, that I would reschedule the deposition of his client scheduled for Monday, June 19, 2006, file a motion to extend the deadlines in the Court's scheduling order and move to compel answers from his client to the Discovery Requests. *See Second Letter of June 16, 2006*, attached as Exhibit 3.
9. As of 4 p.m. on Friday, June 16, 2006, I had not received the Plaintiff's responses to the Discovery Requests that were due on June 14, 2006.
10. An assistant from Plaintiff's counsel's office named "Rebecca" called Ocwen's counsel at 3:54 p.m. on Friday, June 16, 2006 to offer an unsigned copy of Plaintiff's response to Ocwen's *First Interrogatories to Joan Charles*. Ocwen's counsel stated that this offer did not comply with the federal rules of civil procedure and filed the first motion to extend deadlines.
11. On June 21, 2006, Rebecca Prizio of The Law Offices of Portnoy & Greene, P.C., counsel for the Plaintiff, sent a fax to Ocwen's counsel, stating, "We are currently coordinating obtaining the client's signature and should be

able to provide you with discovery responses by the end of the week." See *Facsimile of Portnoy & Greene, P.C. of June 21, 2006*, attached as Exhibit 4.

12. On June 22, 2006, I noticed the deposition of the Plaintiff for Friday, June 30, 2006. See *Deposition Notice*, attached as Exhibit 5. I noticed the deposition with the expectation that I would receive the Plaintiff's complete responses to the Discovery Requests on or before Monday, June 26, 2006.
13. By facsimile dated June 23, 2006 and by letter dated June 26, 2006, Plaintiff, through her counsel, forwarded to me *Plaintiff's Answers to Interrogatories Propounded by Defendant Ocwen Loan Servicing LLC*. See *Facsimile and Letter of Portnoy & Greene, P.C.*, attached as Exhibit 6.
14. The Plaintiff has yet to provide her responses to Ocwen's *First Request for Production of Documents*.
15. By letter dated June 27, 2006, sent by facsimile and first-class mail to Plaintiff's counsel, Ocwen's counsel reminded Plaintiff's counsel that the Plaintiff still had not responded to Ocwen's Document Request which were due two weeks earlier on June 14, 2006. See *Letter of June 27, 2006*, attached as Exhibit 7.
16. As of noon, Thursday, June 29, 2006, the Plaintiff has not provided her responses to Ocwen's *First Request for Production of Documents* and Plaintiff's counsel has not responded to Ocwen's counsel's letter of June 27, 2006.

Signed under the pains and penalties of perjury this 29th day of June 2006.



Richard C. Demerle (BBO#652242)

Exhibit 1

Michienzie & Sawin LLC

Telephone
617 227-5660

Facsimile
617 227-5882

Email
rd@masatlaw.com

June 15, 2006

**BY FACSIMILE AND
FIRST-CLASS MAIL**

James E. Hoyt
Portnoy and Green, P.C.
687 Highland Avenue
Needham, MA 02494

**Re: Charles v. Ocwen Federal Bank, FSB, et. al, Case No. 04-11625
U.S. District Court for the District of Massachusetts**

Attorney Hoyt:

Yesterday, June 14, 2006, was the deadline for your client, Joan Charles, to provide her responses to the discovery requests of my client, Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB, in the above-referenced action. I have not received her responses.

As you know, I am deposing your client next Monday, June 19, 2006 and I require her discovery responses for that deposition. Please contact me as soon as possible to let me know when I may expect Ms. Charles' responses.

With kindest regards.

Yours truly,



Richard C. Demerle

RCD/pcb

cc: Paul Michienzie, Esq.

MODE = MEMORY TRANSMISSION START=JUN-15 00:34 END=JUN-15 00:35
 FILE NO.=092

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-MICHENZIE & SAWIN -

***** - 617 227 5882- *****

Facsimile Transmittal

745 Boylston Street
 Boston, MA
 02116

Michienzie & Sawin LLC

Telephone
 617 227-5660

Facsimile
 617 227-5882

Date: June 15, 2006
 To: James Hoyt
 Fax Number: 781-726-7750
 From: Richard Demerle
 Sender's Email: rd@masatlaw.com
 Subject: Joan Charles v. Ocwen
 Re:

Number of pages
 Including this page: 2

Message:

Note: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please call collect at 617-227-5660 immediately to arrange for its return. Thank you.

Exhibit 2

745 Boylston Street
Boston, Massachusetts
02116-2636

Telephone
617 227-5660

Facsimile
617 227-5882

Email
rd@masatlav.com



June 16, 2006

**BY FACSIMILE AND
FIRST-CLASS MAIL**

James E. Hoyt
Portnoy and Green, P.C.
687 Highland Avenue
Needham, MA 02494

**Re: Charles v. Ocwen Federal Bank, FSB, et. al, Case No. 04-11625
U.S. District Court for the District of Massachusetts**

Attorney Hoyt:

This letter follows up on my letter to you of June 15, 2006 and my telephone call to your office earlier today. As I told you previously, Wednesday, June 14, 2006, was the deadline for your client, Joan Charles, to provide her responses to the discovery requests of my client, Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB, in the above-referenced action. I have not received her responses.

I am deposing your client next Monday, June 19, 2006 and I require her discovery responses for that deposition. Please contact me as soon as possible to let me know when I may expect Ms. Charles' responses.

With kindest regards.

Yours truly,

Richard C. Demerle

RCD/pcb

cc: Paul Michienzie, Esq.

MODE = MEMORY TRANSMISSION

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END=JUN-16 00:07

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-MICHENZIE & SAWIN -

***** - 617 227 5882- *****

Facsimile Transmittal

Michienzie & Sawin LLC

745 Boylston Street
Boston, MA
02116

Telephone
617 227-5660

Facsimile
617 227-5882

Date: June 16, 2006
To: James Hoyt
Fax Number: 781-726-7750
From: Richard Demerle
Sender's Email: rd@masafaw.com
Subject: Joan Charles v. Ocwen
Re:
Number of pages
Including this page: 2

Message:

Note: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please call collect at 617-227-5660 immediately to arrange for its return. Thank you.

Exhibit 3

Boston, Massachusetts
02116-2636

Telephone
617 227-5660

Facsimile
617 227-5882

Email
rd@masatlaw.com

Michienzie & Sawin LLC

June 16, 2006

**BY FACSIMILE AND
FIRST-CLASS MAIL**

James E. Hoyt
Portnoy and Green, P.C.
687 Highland Avenue
Needham, MA 02494

Re: **Charles v. Ocwen Federal Bank, FSB, et. al, Case No. 04-11625**
U.S. District Court for the District of Massachusetts

Attorney Hoyt:

This letter follows up on my letters to you of yesterday and today as well as my telephone calls to your office and the voicemail message I left for you earlier today. As I told you previously, Wednesday, June 14, 2006, was the deadline for your client, Joan Charles, to provide her responses to the discovery requests of my client, Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB, in the above-referenced action. As of 2 p.m. today, I have not received her responses and I have not heard back from you as to why I have not received them.

The deadline for my client to respond to your client's motion for partial summary judgment is Thursday, June 22, 2006. Your client's failure to provide her discovery responses in a timely manner negatively impacts my client's ability to respond to the motion for partial summary judgment.

Please be advised that, if I do not receive your client's discovery responses by 4 p.m. today, I will postpone the deposition scheduled for this Monday, June 19, 2006 and I will file a motion with the U.S. District Court for the District of Massachusetts to compel discovery and to extend the deadlines in this matter.

Yours truly,


Richard C. Demerle

RCD/pcb

cc: Paul Michienzie, Esq.

MODE = MEMORY TRANSMISSION

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FILE NO.=149

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-MICHENZIE & SAWIN -

***** - ***** - 617 227 5882- *****

Facsimile Transmittal

745 Boylston Street
Boston, MA
02116

Michienzie & Sawin LLC

Telephone
617 227-5660

Facsimile
617 227-5882

Date: June 16, 2006
To: James Hoyt
Fax Number: 781-726-7750
From: Richard Demerle
Sender's Email: rd@masatlaw.com
Subject: Joan Charles v. Ocwen
Re:
Number of pages
Including this page: 2

Message:

Note: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please call collect at 617-227-5660 immediately to arrange for its return. Thank you.

Exhibit 4

**THE LAW OFFICES OF PORTNOY & GREENE,
P.C.**

687 Highland Avenue
Needham, Massachusetts 02494

Telephone (781) 448-6050
Fax (781) 726-7750

FROM FAX NO.: (781) 726-7750

PERSONAL AND CONFIDENTIAL
VIA TELECOPIER

TO FAX NO.: (617) 227-5882

DATE: June 21, 2006

TO: Richard Demerle

FROM: Rebecca Prizio for James Hoyt

Number of pages, including cover sheet: 1

If all pages are not received, please call: (781) 444-8888

Special Instructions: RE: Joan Charles v. Ocwen Federal Bank, FSB
Case No. 04-11625

We are currently coordinating obtaining the client's signature and should be able to provide you with discovery responses by the end of the week. Thank you.

**THIS MESSAGE IS ONLY FOR THE USE OF THE ADDRESSEE, AND MAY
CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION**
ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS
COMMUNICATION OTHER THAN BY THE INTENDED RECIPIENT IS STRICTLY
PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR,
PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR TELECOPIER AND
DESTROY ALL COPIES OF THIS COMMUNICATION.

Exhibit 5

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOAN CHARLES, Plaintiff, v. OCWEN FEDERAL BANK FSB; OCWEN FINANCIAL CORPORATION; MASSACHUSETTS PROPERTY INSURANCE UNDERWRITERS ASSOCIATION; and ONE CALL INSURANCE AGENCY, INCORPORATED, Defendants.	CIVIL ACTION NO. 04-11625-RWZ
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NOTICE OF TAKING DEPOSITION

TO: James E. Hoyt
Portnoy and Green, P.C.
687 Highland Avenue
Needham, MA 02494

Please take note that at **10:00 a.m. on Friday, June 30, 2006**, Michienzie & Sawin, LLC, counsel for Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB and counsel for Ocwen Financial Corporation will take the deposition upon oral examination of plaintiff Joan Charles at the offices of Michienzie & Sawin, LLC, 745 Boylston Street, Boston, Massachusetts 02116, pursuant to the Federal Rules of Civil Procedure for the United States District Courts, before a Notary Public of the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day-to-day until completed.

You are invited to attend and cross-examine.

Respectfully submitted,

OCWEN LOAN SERVICING, LLC,
SUCCESSOR-IN-INTEREST TO OCWEN
FEDERAL BANK, FSB AND OCWEN
FINANCIAL CORPORATION,

By its attorneys,

MICHIEENZIE & SAWIN, LLC,

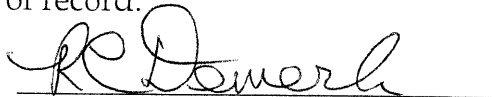
A handwritten signature in black ink, appearing to read "RC Demerle", is written over a horizontal line.

Richard C. Demerle, Esq. (BBO#652242)
Paul Michienzie, Esq. (BBO#548701)
745 Boylston Street
Boston, MA 02116-2636
(617) 227-5660

DATE: June 22, 2006

CERTIFICATE OF SERVICE

I, Richard C. Demerle, attorney for defendant, hereby certify that I have on this 22nd day of June 2006, served a copy of the foregoing document, by facsimile and by first-class mail, postage prepaid, to all counsel of record.

A handwritten signature in black ink, appearing to read "R. Demerle", is written over a horizontal line.

Richard C. Demerle

Boston, Massachusetts
02116-2630

Telephone
617 227-5660

Facsimile
617 227-5882

Email
rs@masatlaw.com

Michienzie & Sawin LLC

June 22, 2006

**BY FACSIMILE AND
FIRST-CLASS MAIL**

James E. Hoyt
Portnoy and Green, P.C.
687 Highland Avenue
Needham, MA 02494

Re: **Charles v. Ocwen Federal Bank, FSB, et. al, Case No. 04-11625**
U.S. District Court for the District of Massachusetts

Attorney Hoyt:

Please find enclosed a new notice of deposition for your client, Joan Charles, in the above-referenced action.

With kindest regards.

Yours truly,



Richard C. Demerle

RCD/pcb
Enc.

cc: William Chapman, Esq.
Michael W. Reilly, Esq.
Paul Michienzie, Esq.

MODE = MEMORY TRANSMISSION

START=JUN-22 05:10

END=JUN-22 05:11

FILE NO.=389

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-MICHENZIE & SAWIN -

***** - ***** 617 227 5882- *****

Facsimile Transmittal

Michienzie & Sawin LLC

745 Boylston Street
Boston, MA
02116

Telephone
617 227-5660

Facsimile
617 227-5882

Date: June 22, 2006
To: James Hoyt
Fax Number: 781-726-7750
From: Richard Demerle
Sender's Email: rd@masafflaw.com
Subject: Joan Charles v. Ocwen
Re:
Number of pages
Including this page: 5

Message:

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Exhibit 6

**THE LAW OFFICES OF PORTNOY & GREENE,
P.C.**

887 Highland Avenue
Needham, Massachusetts 02494

Telephone (781) 449-6050
Fax (781) 726-7750

FROM FAX NO.: (781) 726-7750

PERSONAL AND CONFIDENTIAL
VIA TELECOPIER

TO FAX NO.: (617) 227-5882

DATE: June 23, 2006

TO: Attorney Richard Demerle

FROM: James Hoyt

Number of pages, including cover sheet: 1 2

If all pages are not received, please call: (781) 449-6050

Special Instructions: RE: Joan Charles v. Ocwen Federal Bank, FSB
Case No. 04-11625

Please find attached. Originals will be mailed.

**THIS MESSAGE IS ONLY FOR THE USE OF THE ADDRESSEE, AND MAY
CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION.**
ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS
COMMUNICATION OTHER THAN BY THE INTENDED RECIPIENT IS STRICTLY
PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR,
PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR TELECOPIER AND
DESTROY ALL COPIES OF THIS COMMUNICATION.

LAW OFFICES

OF

PORTNOY AND GREENE, P.C.

687 HIGHLAND AVENUE
NEEDHAM, MA 02494

TELEPHONE: 781-449-6050
FACSIMILE: 781-449-4574

June 26, 2006

Richard DeMerle, Esq.
Michienzie & Sawin, LLC
745 Boylston Street, 5th Floor
Boston, MA 02114

RE: Joan Charles v. Ocwen Federal Bank, FSB et al
Case # 04-CV-11625-RWZ

Dear Attorney DeMerle:

Enclosed please find the Plaintiff's Answers to Interrogatories Propounded by Defendant Ocwen Loan Servicing, LLC.

Please call this office if you have any further questions.

Sincerely,


James Hoyt
Enc.

cc: William B. Chapman, Esq.
Michael Reilly, Esq.

Exhibit 7

Telephone
617 227-5660Facsimile
617 227-5882Email
rs@masatlaw.com

June 27, 2006

**BY FACSIMILE AND
FIRST-CLASS MAIL**

James E. Hoyt
Portnoy and Green, P.C.
687 Highland Avenue
Needham, MA 02494

Re: Charles v. Ocwen Federal Bank, FSB, et. al, Case No. 04-11625
U.S. District Court for the District of Massachusetts

Attorney Hoyt:

As of today, I still have not received your client's responses to the discovery requests of my client, Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB ("Ocwen"). Specifically, I have not received your client's response to Ocwen's *First Request for Production of Documents from Plaintiff Joan Charles*, which was served on May 12, 2006. Also, I have only received the facsimile of your client's response to Ocwen's *First Interrogatories to Plaintiff Joan Charles*, which was also served on May 12, 2006; I require the original.

As you are aware, your client was required to respond to these discovery requests no later than Wednesday, June 14, 2006 and I have noticed the deposition of your client for this Friday, June 30, 2006. By facsimile dated June 21, 2006, your assistant, Rebecca Prizio, wrote to me, "We are currently coordinating obtaining the client's signature and should be able to provide you with discovery responses by the end of the week." June 23, 2006 came and went without your client providing the required responses to Ocwen's discovery requests.

MICHIEENZIE & SAWIN LLC

James E. Hoyt
June 27, 2006
Page 2

Your client's failure to respond to Ocwen's discovery requests prejudices Ocwen's ability to defend itself in this case. Please be advised that your client has until close of business on Wednesday, June 28, 2006 to provide me with all of her overdue discovery responses.

Yours truly,

A handwritten signature in black ink, appearing to read "RCDemerle". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Richard C. Demerle

RCD/pcb
6335.005

cc: Paul Michienzie, Esq.

MODE = MEMORY TRANSMISSION START=JUN-26 23:42 END=JUN-26 23:43
FILE NO.=557
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NO. ABBR NO.
001 OK 17817267750 003/003 00:00:25
-MICHENZIE & SAWIN -
***** - 617 227 5882- *****

Facsimile Transmittal

Michienzie & Sawin LLC

745 Boylston Street
Boston, MA
02116

Telephone
617 227-5660

Facsimile
617 227-5882

Date: June 27, 2006
To: James Hoyt
Fax Number: 781-726-7750
From: Richard Demerle
Sender's Email: rd@mas11law.com
Subject: Joan Charles v. Ocwen
Re:
Number of pages
Including this page: 3

Message:

Note: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please call collect at 617-227-5660 immediately to arrange for its return. Thank you.